Ellsberg's Security Oath Cited

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LOS ANGELES, Feb. 12—The jury in the Pentagon Papers trial learned today that Daniel Ellsberg and Anthony J. Russo Jr., as researchers at the Rand Corporation, signed pledged to respect the security classifications on documents they handled.

Rand's top security officer, Richard Best, testifying as a prosecution witness, read to the jurors from the two defendants' employment records at the defense-oriented "think tank" in Santa Monica, Calif.

A typical form read that "I shall not knowingly and wilfully communicate, deliver or transmit" classified documents to "persons not entitled to receive them."

Another said that "I understand that the safeguarding of classified information is a continuing individual responsibility."

The prosecution in the case contends that Ellsberg and Russo broke these agreements in 1969—when Ellsberg was still a Rand employee but Russo was not—when they allegedly removed the Pentagon Papers from Rand, duplicated them and showed them to people who had no security clearance.

But defense attorneys insist that violation of such pledges shows only that the defendants broke their employer's rules and not the laws against conspiracy, espionage and theft of government property, the criminal charges against them.

They have fought against the introduction into evidence of the "industrial security manuals for safeguarding classified information" issued by the Defense Department and Rand.

U.S. District Court Judge W. Matt Byrne Jr., partially accepting defense objections, ruled today that the prosecution could use selected portions of the manuals, but only after demonstrating that Rand had "executed contracts" with the Defense Department.

Best testified that Rand has had a "secrecy agreement" with the Pentagon since 1956.

Chief prosecutor David R. Nissen said that agreement covered the Pentagon Papers, as well as all other classified documents stored at Rand.

But the defense said it could prove that the Pentagon Papers were an exception to the general rule, because they were deposited at Rand in early 1969 by three outgoing Defense Department officials from the Johnson administration, with specific instructions that Ellsberg was to have unlimited access to them.